

CHAPTER 56

PERSONS AND ACTIVITIES REGULATED BY BOARD OF NURSING

S.F. 203

AN ACT relating to persons and activities regulated by the board of nursing.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 125.2, subsection 11, Code 2015, is amended to read as follows:

11. “*Psychiatric advanced registered nurse practitioner*” means an individual currently licensed as a registered nurse under chapter 152 or 152E who holds a national certification in psychiatric mental health care and who is ~~registered with~~ licensed by the board of nursing as an advanced registered nurse practitioner.

Sec. 2. Section 135G.1, subsection 1, Code 2015, is amended to read as follows:

1. “*Advanced registered nurse practitioner*” means a person currently licensed as a registered nurse under chapter 152 or 152E who is ~~registered with~~ licensed by the board of nursing as an advanced registered nurse practitioner.

Sec. 3. Section 147.107, subsection 8, Code 2015, is amended to read as follows:

8. Notwithstanding subsection 1, but subject to the limitations contained in subsections 2 and 3, a registered nurse who is licensed ~~and registered~~ as an advanced registered nurse practitioner ~~and who qualifies for and is registered in a recognized nursing specialty~~ may prescribe substances or devices, including controlled substances or devices, if the nurse is engaged in the practice of a nursing specialty regulated under rules adopted by the board of nursing in consultation with the board of medicine and the board of pharmacy.

Sec. 4. Section 152.1, Code 2015, is amended by adding the following new subsection:

NEW SUBSECTION. 01. “*Advanced registered nurse practitioner*” means a person who is currently licensed as a registered nurse under chapter 152 or 152E who is licensed by the board of nursing as an advanced registered nurse practitioner.

Sec. 5. Section 152.1, subsection 4, paragraph c, Code 2015, is amended to read as follows:

c. Make the pronouncement of death for a patient whose death is anticipated if the death occurs in a licensed hospital, a licensed health care facility, a Medicare-certified home health agency, a Medicare-certified hospice program or facility, or an assisted living facility or residential care facility, with notice of the death to a physician ~~and in accordance with any directions of a physician,~~ advanced registered nurse practitioner, or physician assistant.

Sec. 6. Section 152.1, subsection 5, unnumbered paragraph 1, Code 2015, is amended to read as follows:

The “*practice of nursing*” means the practice of a registered nurse, ~~or a licensed practical nurse, or an advanced registered nurse practitioner.~~ It does not mean any of the following:

Sec. 7. Section 152.1, subsection 5, paragraph b, Code 2015, is amended to read as follows:

b. The performance of nursing services by an unlicensed student enrolled in a nursing education program if performance is part of the course of study. Individuals who have been licensed as registered nurses, ~~or licensed practical or vocational nurses, or advanced registered nurse practitioners~~ in any state or jurisdiction of the United States are not subject to this exemption.

Sec. 8. Section 152.1, subsection 6, paragraph e, Code 2015, is amended to read as follows:

e. Make the pronouncement of death for a patient whose death is anticipated if the death occurs in a licensed hospital, a licensed health care facility, a Medicare-certified home health agency, a Medicare-certified hospice program or facility, an assisted living facility, or a

residential care facility, with notice of the death to a physician ~~and in accordance with any directions of a physician~~, advanced registered nurse practitioner, or physician assistant.

Sec. 9. Section 152.4, Code 2015, is amended to read as follows:

152.4 Appropriations.

The board may apply appropriated funds to:

1. The administration and enforcement of the provisions of this chapter and ~~of chapter chapters~~ 147, 152E, and 272C.
2. The elevation of the standards of the schools of nursing.
3. The promotion of educational and professional standards of nurses in this state.
4. The collection, analysis, and dissemination of nursing workforce data.

Sec. 10. Section 152.5, Code 2015, is amended to read as follows:

152.5 Education programs —~~record checks.~~

1. All programs preparing a person to be a registered nurse or a licensed practical nurse shall be approved by the board. The board shall not recognize a program unless it:

- a. Is of recognized standing.
- b. Has provisions for adequate physical and clinical facilities and other resources with which to conduct a sound education program.
- c. Requires, for graduation of a registered nurse applicant, the completion of at least a two academic year course of study.
- d. Requires, for graduation of a licensed practical nurse applicant, the completion of at least a one academic year course of study as prescribed by the board.

2. All advanced postlicense formal academic nursing education programs shall also be approved by the board.

3. ~~a. For the purposes of this subsection:~~

~~(1) “Nursing program” means a nursing program that is approved by the board pursuant to subsection 1 or 2.~~

~~(2) “Student” means a person applying for, enrolled in, or returning to the clinical education component of a nursing program.~~

~~b. A nursing program may access the single contact repository established pursuant to section 135C.33 as necessary for the nursing program to initiate record checks of students.~~

~~c. A nursing program shall request that the department of public safety perform a criminal history check and the department of human services perform child and dependent adult abuse record checks in this state on the nursing program’s students.~~

~~d. If a student has a criminal record or a record of founded child or dependent adult abuse, upon request of the nursing program, the department of human services shall perform an evaluation to determine whether the record warrants prohibition of the person’s involvement in a clinical education component of a nursing program involving children or dependent adults. The department of human services shall utilize the criteria provided in section 135C.33 in performing the evaluation and shall report the results of the evaluation to the nursing program. The department of human services has final authority in determining whether prohibition of the person’s involvement in a clinical education component is warranted.~~

Sec. 11. NEW SECTION. 152.5A Student record checks.

1. For the purposes of this section:

a. “Nursing program” means a nursing program that is approved by the board pursuant to section 152.5.

b. “Student” means a person applying for, enrolled in, or returning to the clinical education component of a nursing program.

2. A nursing program may access the single contact repository established pursuant to section 135C.33 as necessary for the nursing program to initiate record checks of students.

3. A nursing program shall request that the department of public safety perform a criminal history check and the department of human services perform child and dependent adult abuse record checks in this state on the nursing program’s students.

4. If a student has a criminal record or a record of founded child or dependent adult abuse, upon request of the nursing program, the department of human services shall perform an

evaluation to determine whether the record warrants prohibition of the person's involvement in a clinical education component of a nursing program involving children or dependent adults. The department of human services shall utilize the criteria provided in section 135C.33 in performing the evaluation and shall report the results of the evaluation to the nursing program. The department of human services has final authority in determining whether prohibition of the person's involvement in a clinical education component is warranted.

Sec. 12. Section 152.6, Code 2015, is amended to read as follows:

152.6 Licenses — professional abbreviations.

The board may license a natural person to practice as a registered nurse, ~~or as a licensed practical nurse, or as an advanced registered nurse practitioner.~~ However, only a person currently licensed as a registered nurse in this state may use that title and the letters "R.N." after the person's name; only a person currently licensed as a licensed practical nurse in this state may use that title and the letters "L.P.N." after the person's name; and only a person currently licensed as an advanced registered nurse practitioner may use that title and the letters "A.R.N.P." after the person's name. For purposes of this section, "*currently licensed*" includes persons licensed in another state and recognized for licensure in this state pursuant to the nurse licensure compact contained in section 152E.1 or pursuant to the advanced practice registered nurse compact contained in section 152E.3.

Sec. 13. Section 152.7, Code 2015, is amended by adding the following new subsection:

NEW SUBSECTION. 1A. An applicant to be licensed as an advanced registered nurse practitioner shall have the following qualifications:

- a. Hold a current license as a registered nurse.
- b. Satisfactory completion of a formal advanced practice educational program of study in a nursing specialty area approved by the board.
- c. Hold an advanced level certification by a recognized national certifying body.

Sec. 14. Section 152.10, subsection 2, paragraph h, subparagraph (2), Code 2015, is amended to read as follows:

(2) The board may, upon probable cause, request a licensee to submit to an appropriate medical ~~examination~~ evaluation by a designated ~~physician~~ health care provider. If requested by the licensee, the licensee may also designate a ~~physician~~ health care provider for an independent medical ~~examination~~ evaluation. ~~The reasonable costs of such examinations and medical reports to the board shall be paid by the board.~~ Refusal or failure of a licensee to complete such ~~examinations~~ evaluations shall constitute an admission of any allegations relating to such condition. All objections shall be waived as to the admissibility of the examining ~~physicians'~~ health care provider's testimony or ~~examination~~ evaluation reports on the grounds that they constitute privileged communication. The medical testimony or ~~examination~~ evaluation reports shall not be used against a registered nurse, ~~or licensed practical nurse, or advanced registered nurse practitioner~~ in another proceeding and shall be confidential. At reasonable intervals, a registered nurse, ~~or licensed practical nurse, or advanced registered nurse practitioner~~ shall be afforded an opportunity to demonstrate that the registered nurse, ~~or licensed practical nurse, or advanced registered nurse practitioner~~ can resume the competent practice of nursing with reasonable skill and safety to patients.

Sec. 15. Section 225C.6, subsection 4, paragraph c, subparagraph (1), Code 2015, is amended to read as follows:

(1) A comprehensive set of wraparound services for persons who have had or are at imminent risk of having acute or crisis mental health symptoms that do not permit the persons to remain in or threatens removal of the persons from their home and community, but who have been determined by a mental health professional and a licensed health care professional, subject to the professional's scope of practice, not to need inpatient acute hospital services. For the purposes of this subparagraph, "*mental health professional*" means the same as defined in section 228.1 and "*licensed health care professional*" means a person licensed under chapter 148 to practice medicine and surgery or osteopathic medicine and surgery, an advanced registered nurse practitioner licensed under chapter 152 or 152E ~~and~~

~~registered with the board of nursing~~, or a physician assistant licensed to practice under the supervision of a physician as authorized in chapters 147 and 148C.

Sec. 16. Section 228.1, subsection 6, paragraph b, Code 2015, is amended to read as follows:

b. The individual holds a current Iowa license if practicing in a field covered by an Iowa licensure law and is a psychiatrist, an advanced registered nurse practitioner who holds a national certification in psychiatric mental health care ~~registered~~ licensed by the board of nursing, a physician assistant practicing under the supervision of a psychiatrist, or an individual who holds a doctorate degree in psychology and is licensed by the board of psychology.

Sec. 17. Section 229.1, subsection 13, Code 2015, is amended to read as follows:

13. “*Psychiatric advanced registered nurse practitioner*” means an individual currently licensed as a registered nurse under chapter 152 or 152E who holds a national certification in psychiatric mental health care and who is ~~registered with~~ licensed by the board of nursing as an advanced registered nurse practitioner.

Sec. 18. Section 231B.21, subsection 2, paragraph a, Code 2015, is amended to read as follows:

a. If administration of medications is delegated to the elder group home by the tenant or tenant’s legal representative, the medications shall be administered by a registered nurse, licensed practical nurse, ~~or advanced registered nurse practitioner licensed or registered~~ in Iowa, or by the individual to whom such licensed ~~or registered~~ individuals may properly delegate administration of medications.

Sec. 19. Section 231C.16A, subsection 2, paragraph a, Code 2015, is amended to read as follows:

a. If administration of medications is delegated to the program by the tenant or tenant’s legal representative, the medications shall be administered by a registered nurse, licensed practical nurse, ~~or advanced registered nurse practitioner licensed or registered~~ in Iowa, or by the individual to whom such licensed ~~or registered~~ individuals may properly delegate administration of medications.

Sec. 20. Section 231D.13A, subsection 2, paragraph a, Code 2015, is amended to read as follows:

a. If administration of medications is delegated to the program by the participant or the participant’s legal representative, the medications shall be administered by a registered nurse, licensed practical nurse, ~~or advanced registered nurse practitioner licensed or registered~~ in Iowa, or by the individual to whom such licensed ~~or registered~~ individuals may properly delegate administration of medications.

Sec. 21. Section 235A.15, subsection 2, paragraph c, subparagraph (14), Code 2015, is amended to read as follows:

(14) To a nursing program that is approved by the state board of nursing under section 152.5, if the data relates to a record check performed pursuant to section ~~152.5~~ 152.5A.

Sec. 22. Section 235B.6, subsection 2, paragraph e, subparagraph (12), Code 2015, is amended to read as follows:

(12) A nursing program that is approved by the state board of nursing under section 152.5, if the information relates to a record check performed pursuant to section ~~152.5~~ 152.5A.

Sec. 23. Section 321.186, subsection 4, Code 2015, is amended to read as follows:

4. A physician licensed under chapter 148, an advanced registered nurse practitioner licensed under chapter 152 ~~and registered with the board of nursing~~, a physician assistant licensed under chapter 148C, or an optometrist licensed under chapter 154 may report to the department the identity of a person who has been diagnosed as having a physical or mental condition which would render the person physically or mentally incompetent

to operate a motor vehicle in a safe manner. The physician, advanced registered nurse practitioner, physician assistant, or optometrist shall make reasonable efforts to notify the person who is the subject of the report, in writing. The written notification shall state the nature of the disclosure and the reason for the disclosure. A physician, advanced registered nurse practitioner, physician assistant, or optometrist making a report under this section shall be immune from any liability, civil or criminal, which might otherwise be incurred or imposed as a result of the report. A physician, advanced registered nurse practitioner, physician assistant, or optometrist has no duty to make a report or to warn third parties with regard to any knowledge concerning a person's mental or physical competency to operate a motor vehicle in a safe manner. Any report received by the department from a physician, advanced registered nurse practitioner, physician assistant, or optometrist under this section shall be kept confidential. Information regulated by chapter 141A shall be subject to the confidentiality provisions and remedies of that chapter.

Sec. 24. Section 514F.6, subsection 2, paragraph a, Code 2015, is amended to read as follows:

a. *“Advanced registered nurse practitioner”* means a licensed nurse who is also registered to practice in an advanced role person currently licensed as a registered nurse under chapter 152 or 152E who is licensed by the board of nursing as an advanced registered nurse practitioner.

Approved April 24, 2015